



## Accused baffled by bail conditions

**Two accused say they have not been informed who not to speak with and told the court they have difficulty in meeting its requirements.**

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Lawyers appearing for a Chinese national and a Namibian man accused of wildlife crimes, say their clients have not received a list of State witnesses, and were in difficult position, as their bail conditions include that they should not contact or interfere with those who will testify against them. Zhi Geng, 37, and James Barron Wallace, 47, have not yet not pleaded to the charges that involve wildlife products with an estimated value of N\$320 000. Geng was granted bail of N\$250 000, while Wallace was granted bail of N\$30 000 by Magistrate Justine Asino in February, on condition that they do not interfere with State witnesses or the investigation.

Geng was arrested in Windhoek on 1 February for allegedly dealing in 1.5kg of rhino horn valued at N\$232 000 and abalone valued at N\$91 000.

Wallace is charged only with the possession of abalone.

Defence lawyer Kadhila Amoomo, who is representing Geng, and attorney Norman Tjombe, who is appearing on behalf of Wallace, said their clients are in difficult position, as they have not been informed who the State witnesses are.

Tjombe said he addressed a letter to a certain Inspector Tsuseb, the investigating officer in the case, in which he asked him to supply them with a list of State witnesses, so the accused are made aware of who they are. He was allegedly informed that the police are tracing the owners of cellphone numbers, to which the accused allegedly transferred money via eWallet. The police officer apparently said once the names are known, the accused will be informed.

According to Tjombe, they have provided a list of names, cellphone numbers and dates of the eWallet transactions.

He added that some of the names on the list included his client's wife and daughter, and this made it literally impractical for him to comply with the bail condition.

"We run the risk and we have done what we could to avoid the risk. My client might be in contact with people who might be State witnesses," he said. "We will approach the police as to how the bail conditions will be relaxed and to bring an appropriate bail application," he said.

Prosecutor Erastus Haikale said he does currently have any names of the State witnesses.

"I will have to discuss the matter with the control prosecutors and may thereafter put the case back on the court roll, and amend the bail conditions," he said.

He said the investigation into the matter is not yet finalised and there is still quite a lot to be done.

The laboratory results are not yet available and that the legal teams have agreed to a postponement.

Asino emphasised that the State has not provided a list of witness names that should not to be contacted or interfered with, and that the court understands that the accused are consequently in a difficult position.

"They do not know who the witnesses are that they are not supposed to make contact with," she said.

She stressed that until the State has provided a list of witnesses, it could not allege that the accused had interfered with a witness.

However, for now the bail conditions remained in force.

Asino postponed the matter until 19 September.

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CONCERNED: James Barron Wallace and Zhi Geng have not yet not pleaded to the charges that involve wildlife products with an estimated value of N\$320 000. PHOTO: FILE